

## Appendix D: Special Status Species

**TABLE 1:  
LIST OF POTENTIALLY OCCURRING ANIMAL SPECIES**

<b>SPECIES</b>	<b>STATUS*</b> <b>See codes at end of table</b>	<b>OCCURRENCE**</b>	<b>HABITAT</b>	<b>POTENTIAL PRESENCE AT PROJECT SITE</b>
<b>INVERTEBRATES</b>				
Valley Elderberry Longhorn Beetle	FT	?	Elderberry shrubs at relatively low elevations, usually in areas with high shrub densities	Low. Few shrubs on project site
<b>FISH</b>				
Hardhead	CSC	A	Streams with clear, deep pools with slow water. Not found where sunfishes (e.g., bass) predominate.	High. Commonly found in American River system
<b>AMPHIBIANS</b>				
Foothill Yellow- legged Frog	FSC, CSC	H	Gravelly rivers & streams	Low. Surveys conducted in 2002 by Brian Williams. Species not found in OHVA.
<b>REPTILES</b>				
Western Pond Turtle	FSC, CSC	A	Open water with basking sites & cover	Low. Species not found during surveys and Middle Fork offers marginal habitat for this species (Williams 2002).
Horned Lizard	FSC, CSC	?	Open woodland, chaparral with sandy soils and native ants	Low. Known historically from low foothills to low mountains; still in upper foothills
<b>BIRDS</b>				
Osprey	CSC	A	Many habitats near languid water with fish	Moderate. Osprey observed at Kennebeck Bar in 2005 by Williams (2002). No nests observed but possible could nest in the vicinity of Mammoth Bar.
White-tailed Kite	CFP	?	Grassland/savannah, usually ungrazed and supporting high densities of rodents	Possible breeder near grasslands
Bald Eagle	FT, SE	?	Large trees for nesting near open water; in the Sierra, usually near a reservoir	Low. Occasionally observed in summer, but no known nest sites
Cooper's Hawk	CSC	A	Relatively dense live oak or pine	Moderate. Possible breeder in

**TABLE 1:**  
**LIST OF POTENTIALLY OCCURRING ANIMAL SPECIES**

SPECIES	STATUS* See codes at end of table	OCCURRENCE**	HABITAT	POTENTIAL PRESENCE AT PROJECT SITE
			forests	oak woodland
Golden Eagle (all seasons)	CSC	?	Many habitats near large open areas for foraging	Low. Potential foraging habitat, but probably too sensitive to nest in OHV area
Merlin (wintering)	CSC	yes	Many habitats in winter, usually open grasslands or savannahs	Low. Possible winter visitant or migrant
Peregrine Falcon	SE	?	Many habitats, but needs cliffs for nesting	None. Seen in breeding season in mountains, but no known suitable nest sites
California Spotted Owl	FSC, CSC	?	Dense forest and woodland habitats with cool microclimates	Low due to S-exposure. May winter and possibly breed in the Middle Fork canyons at lower elevations
Long-eared Owl	CSC	?	Dense forest or woodland near meadows or grasslands	Potential breeder in oak woodland
Willow Flycatcher	SE	?	Willow scrub at relatively high elevations; formerly more widespread	Low. Not expected as a breeder. No known nest sites in Sierra foothills, and foraging habitat possibly too sparse in canyon
Loggerhead Shrike	FSC, CSC	?	Open grassland, savannah, and agricultural habitats	Very low. Unlikely >1000 ft in western Placer County
Purple Martin	CSC	?	Mostly post-fire woodland and forest with large trees at prominent positions	Very low. Possible only after tree-killing fire
Yellow Warbler ( <i>brewsteri</i> )	CSC	yes	Riparian woodlands and montane chaparral	High. This species observed at Mammoth and Texas Bar in 2002 by Williams (2002).
Yellow-breasted Chat	CSC	yes	Dense riparian woodland, usually in blackberry patches; also occasionally diverse post-fire chaparral	High. This species observed at Mammoth and Texas Bar in 2002 by Williams (2002).
Bell's Sage Sparrow	FSC, CSC	A	Chamise chaparral	Probably resident on OHVA
<b>MAMMALS</b>				
Pallid Bat	CSC	?	Many habitats, especially open dry areas with rocky areas for roosting. Also uses caves, mines, buildings, hollow trees	High. Probable based on general habitat and CA distribution.
Townsend's Big-eared Bat	FSC, CSC	H	Many habitats, most common in wet areas. Requires caves, mines, buildings, tunnels, other man-made structures, usually	Unknown. Collected at old lime caves, but may be extirpated from that site

**TABLE 1:  
LIST OF POTENTIALLY OCCURRING ANIMAL SPECIES**

<b>SPECIES</b>	<b>STATUS*</b> <b>See codes</b> <b>at end of</b> <b>table</b>	<b>OCCURRENCE**</b>	<b>HABITAT</b>	<b>POTENTIAL PRESENCE AT PROJECT SITE</b>
			cold.	
Spotted Bat	FSC, CSC	?	Apparently several general habitats, but needs open rock cliffs for roosting; rare in CA	Not expected. Rare in California
Small-footed Myotis	FSC	?	Arid chaparral and woodland habitats	Expected based on general habitat and range
Long-eared Myotis	FSC	?	Usually in conifer forest, but may occur widely.	Low.
Fringed Myotis	FSC	?	Many habitats. Roosts or maternal colonies in caves, buildings, bridges, mines	Moderate.
Long-legged Myotis	FSC	h	Woodland and forest generally above ~4000 ft. Roosts/nurseries in rock crevices, mines, caves, under tree bark and in snags.	Low. Not expected, but bats may occur widely.
Yuma Myotis	FSC, CSC	yes	Open forests and woodlands near open water. Roosts or maternal colonies in warm dark caves, buildings, bridges, mines.	High. Collected near project area.
Mastiff Bat	FSC, CSC	?	Elevated south-facing cliffs or canyons.	Newly discovered populations suggest this species may occur from American River canyons, but no quality habitat on site.
American Badger	CNDDDB	?	Usually open habitats with friable soils.	Low, but occurs widely.
Ringtail	CFP	A	Brushy foothill canyons, woodlands, riparian habitats	High. Recorded in Middle Fork canyon.

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**\*Status**

CSC = California Species of Concern

FSC = Federal Species of Concern

FE = Federal Endangered

FT = Federal Threatened

SE = State Endangered

CFP = California Fully Protected

CNDDB = 2002

**\*\*Occurrence**

yes = definitely recorded from Mammoth since 1960s

A = definitely recorded from habitats near the confluence since 1960s

H = historical records from the area, but not known from the area since 1950s-1960s

h = historical records west of Sierra Nevada crest

? = no information yet located that the species definitely is found in the OHVA, but range and/or habitat requirements suggest they may occur

no = species does not occur in OHVA during the season(s) in which it is protected or deemed to be sensitive

**TABLE 2:**  
**LIST OF POTENTIALLY OCCURRING VASCULAR PLANT SPECIES**

Species	Federal/ State/ CNPS Status  See codes at end of table	General Habitat/Bloom period	Potential to Occur
<b>PLANTS</b>			
<i>Arctostaphylos manzanita</i> ssp. <i>elegans</i> Konocti manzanita	--/--/1B	Chaparral, cismontane woodland, lower montane coniferous forests, typically on volcanic soils; elevation 395-1615 m. / March – May	<b>Low.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the species was not located during field surveys.
<i>Arctostaphylos nissenana</i> Nissenan manzanita	--/--/1B	Rocky slopes in closed-cone coniferous forest, chaparral; elevation 450-1100 m. / February – March	<b>Low.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the species was not located during field surveys.
<i>Astragalus pauperculus</i> Depauperate milk-vetch	--/--/4	Chaparral, cismontane woodland, valley and foothill grassland, vernal wet sites; elevation 60-850 m / March- June	<b>Medium.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area. The species was not located during field surveys.
<i>Balsamorhiza macrolepis</i> var. <i>macrolepis</i> Big-scale balsamroot	--/--/1B	Chaparral, cismontane woodland, valley and foothill grassland, sometimes associated with serpentine habitats; elevation 90-1400 m. / March – June	<b>Low.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the distribution of serpentine and gabbro soils in the area are unknown. The species was not located during field surveys.
<i>Calystegia stebbinsii</i> Stebbins's morning-glory	FE/CE/1B	Found in chaparral (openings), oak woodlands, typically associated with serpentine or gabbro soils; elevation 185-730 m. / April – July	<b>Low.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the distribution of serpentine and gabbro soils in the area are unknown. The species was not located during field surveys.
<i>Ceanothus roderickii</i> Pine Hill ceanothus	FE/CR/1B	Chaparral, cismontane woodland, typically associated with serpentine or gabbro outcrops; elevation 260-630 m. / May – June	<b>Low.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the distribution of serpentine and gabbro soils in the area are unknown. The species was not located during field surveys.
<i>Chlorogalum grandiflorum</i> Red hills soaproot	--/--/1B	Chaparral, cismontane woodland, lower montane coniferous forests, often associated with serpentine or gabbro outcrops; elevation 245-1005 m. / May - June	<b>Medium.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the distribution of serpentine and gabbro soils in the area are unknown. The species was not located during field surveys.
<i>Clarkia biloba</i> ssp. <i>brandegeae</i> Brandegee's clarkia	--/--/1B	Chaparral, cismontane woodland, often near roadcuts, 295-885 m. / May – July	<b>Medium.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area. The species was not located during field surveys.
<i>Eriogonum tropidocarpum</i>	--/--/4	Chaparral, cismontane woodland, typically associated with serpentine or gabbro outcrops; elevation 200-	<b>Low.</b> Abundant potential habitat exists for this species occurs within the Mammoth Bar OHV

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<b>Species</b>	<b>Federal/ State/ CNPS Status  See codes at end of table</b>	<b>General Habitat/Bloom period</b>	<b>Potential to Occur</b>
Tripod buckwheat		1600 m. / May-July	Area, though the distribution of serpentine and gabbro soils in the area are unknown. The species was not located during field surveys.
<i>Fritillaria agrestis</i> Stinkbells	--/--/4	Chaparral, cismontane woodland, valley and foothill grassland, typically associated with clay soils; elevation 10-1055 m / March –June	<b>Medium.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area. The species was not located during field surveys.
<i>Fritillaria eastwoodiae</i> Butte county fritillary	--/--/3	Chaparral, cismontane woodland, lower montane coniferous forests, typically associated with serpentine or gabbro outcrops; elevation 50-1500 m./ March – May	<b>Low.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the distribution of serpentine and gabbro soils in the area are unknown. The species was not located during field surveys.
<i>Galium californicum</i> ssp. <i>sierrae</i> El Dorado bedstraw	-/CE/CR/1B	Found in chaparral, oak woodlands and lower montane coniferous forests typically associated with gabbro soils; elevation. / May – June	<b>Low.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the distribution of serpentine and gabbro soils in the area are unknown. The species was not located during field surveys.
<i>Glyceria grandis</i> American manna grass	--/--/2	Found in mesic sites including wet meadows, marshes, streambanks and seeps; elevation 15-1980 m / June – August	<b>Low.</b> Limited potential habitat exists for this species within the Mammoth Bar OHV Area. The species was not located during field surveys.
<i>Gratiola heterosepala</i> Boggs Lake hedge- hyssop	--/CE/1B	Marshes and swamps (lake margins), vernal pools, often clay soils; elevation 10-2375 m. / April – August	<b>Unlikely.</b> Limited marginal habitat in OHV Area, species was not observed during survey
<i>Lathyrus sulphureus</i> var. <i>argillaceus</i> Dubious pea	--/--/3	Oak woodlands and lower montane coniferous forests; elevation 150-305 m/ April	<b>Medium.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area. The species was not located during field surveys.
<i>Lilium humboldtii</i> ssp. <i>humboldtii</i> Humboldt lily	--/--/4	Chaparral, cismontane woodland, lower montane coniferous forest openings; elevation 90-1100 m / May-July	<b>Medium.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area. The species was not located during field surveys.
<i>Microseris sylvatica</i> Sylvan's microseris	--/--/4	Chaparral, cismontane woodland, valley and foothill grassland; elevation 45-1500 m / March – June	<b>Medium.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area. The species was not located during field surveys.
<i>Monardella candicans</i> Sierra monardella	--/--/4	Chaparral, cismontane woodland, lower montane coniferous forest typically on sandy or gravelly soils; elevation 150-800m / April – July	<b>Medium.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area. The species was not located during field surveys.

**TABLE 2:**  
**LIST OF POTENTIALLY OCCURRING VASCULAR PLANT SPECIES**

<b>Species</b>	<b>Federal/ State/ CNPS Status  See codes at end of table</b>	<b>General Habitat/Bloom period</b>	<b>Potential to Occur</b>
<i>Navarettia eriocephala</i> Hoary navarettia	--/--/4	Mesic sites in cismontane woodland, valley and foothill grassland; 105-400 m / May – June	<b>Medium.</b> Abundant potential habitat exists for this species occurs within the Mammoth Bar OHV Area. The species was not located during field surveys.
<i>Scutellaria galericulata</i> Marsh skullcap	--/--/4	Coniferous forest, meadows and seeps; 0-2100 m/ June-September	<b>Low.</b> Limited habitat in OHV Area, species was not observed during survey
<i>Senecio layneae</i> Layne's butterweed	FT/CR/1B	Found in chaparral (openings), oak woodlands, typically associated with serpentine or gabbro soils; elevation 200-1000 m. / April – July	<b>Low.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the distribution of serpentine and gabbro soils in the area are unknown. The species was not located during field surveys.
<i>Wyethia reticulata</i> El Dorado County mule ears	--/--/1B	Found in chaparral, oak woodlands and lower montane coniferous forests typically associated with gabbro or clay soils; elevation 185-630 m. / May - July	<b>Low.</b> Abundant potential habitat for this species occurs within the Mammoth Bar OHV Area, though the distribution of serpentine and gabbro soils in the area are unknown. The species was not located during field surveys.

### SOURCES

CNDDDB 2002. Electronic inventory for the following USGS Quads: Auburn, Colfax, Coloma, Foresthill, Garden Valley, Georgetown, Gold Hill, Greenwood, Lake Combie, Pilot Hill, Rocklin, and Wolf.

CNPS 2001. Electronic inventory for the following USGS Quads: Auburn, Colfax, Coloma, Foresthill, Garden Valley, Georgetown, Greenwood, Lake Combie, and Pilot Hill.

USFWS 2002. Species lists for the following USGS Quads: Auburn and Greenwood

### STATUS CODES:

FEDERAL: (U.S. Fish and Wildlife Service)

FE = Listed as Endangered by the Federal Government

FT = Listed as Threatened by the Federal Government

STATE: (California Department of Fish and Game)

CE = Listed as Endangered by the State of California

CR = Listed as Rare by the State of California (plants only)

CNPS: (California Native Plant Society)

List 1B = Plants rare, threatened, or endangered in California and elsewhere

List 2 = Plants rare, threatened, or endangered in California but more common elsewhere

List 3 = Plants rare or endangered on which more information is needed

List 4 = Plants of Limited Distribution





# Appendix E: Settlement Agreement and Task Matrix

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8  
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF SACRAMENTO  
11

12  
13 FRIENDS OF THE RIVER; SIERRA CLUB; and  
14 ENVIRONMENTAL LAW FOUNDATION,

15 Petitioners and Plaintiffs,

16 v.

17 RUSTY ARELAS, in his official capacity as the  
Director of the California Department of Parks and  
18 Recreation; CARL DRAKE, in his official capacity as  
the Chief of the California Division of Off-Highway  
19 Motor Vehicle Recreation; CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION;  
20 CALIFORNIA DIVISION OF OFF-HIGHWAY  
MOTOR VEHICLE RECREATION; and OFF-  
21 HIGHWAY MOTOR VEHICLE RECREATION  
COMMISSION,

22 Respondents and Defendants,  
23

Case No.: 00CS00391

24  
25 STIPULATION FOR  
26 SETTLEMENT AND DISMISSAL  
27

28 The parties to this action and their counsel of record are the following:

Friends Of The River; Sierra Club; and Environmental Law Foundation

("petitioners and plaintiffs") are represented by Iryna A. Kwasny, Esq. of the Environmental Law

1.

STIPULATION FOR SETTLEMENT AND DISMISSAL

Case No. 00CS00391

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1 Foundation.

2 California Department of Parks and Recreation (hereinafter referred to as the  
3 "Department"); and California Division of Off-Highway Motor Vehicle Recreation (hereinafter  
4 referred to as the "Division"); ("respondents and defendants") are represented by Bill Lockyer,  
5 Attorney General of the State of California by Elyn S. Levinson, Deputy Attorney General.  
6 Respondents and defendants Off-Highway Motor Vehicle Recreation Commission, Rusty Arcias  
7 and Carl Drake have previously been dismissed from this action.

8 The parties to this action, by and between their counsel of record stipulate to the  
9 following agreement in order to completely resolve the underlying action which challenges the  
10 legality of certain off-highway motor vehicle activities at Auburn State Recreational Area. The  
11 area in which the off-highway motor vehicle activities occur is commonly referred to "Mammoth  
12 Bar Off-Highway Motor Vehicle Recreation area."

13 **SECTION I**

14 **Comprehensive Management Studies**

15 **Mammoth Bar**

16 1. Immediately following execution of this stipulation, Department staff will  
17 convene a meeting of a task force to be comprised of two plaintiffs' representatives, two  
18 representatives of the Off-Highway Motor Vehicle users group and Department staff, hereinafter  
19 Mammoth Bar Task Force.

20 2. The purpose of the task force is to design the scope of a long-term  
21 comprehensive management study for all Off-Highway Motor Vehicle activities within the  
22 Mammoth Bar Off-Highway Motor Vehicle Recreational area.

23 3. The scope for a Request For Proposals for the management study will be  
24 prepared by the Department staff in consultation with Department of Fish and Game, the U.S.  
25 Fish and Wildlife Service, and task force members for the purposes of contracting with an  
26 interdisciplinary independent consultant who will conduct the study. The actual Request For  
27 Proposals and consulting contract will be developed by the Department in conformity with state  
28

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1 law and will be funded by the Department. It is the intent of the parties that the study will be  
2 completed not later than 18 months from execution of this stipulation.

3 4. Plaintiffs and defendants agree that the study will include, but not be  
4 limited to the following:

5 a. An identification of all necessary permits required by regulatory agencies  
6 for recreational activities undertaken within Mammoth Bar Off-Highway Motor  
7 Vehicle area;

8 b. A combined soils and wildlife habitat survey at the Mammoth Bar Off  
9 Highway Motor Vehicle area;

10 c. An analysis of environmental effects from recreational uses allowed at  
11 Mammoth Bar Off-Highway Motor Vehicle Recreational area.

12 Auburn State Recreational Area

13 5. Concurrent with creation of the Mammoth Bar Task Force, Department  
14 staff will convene a meeting of a larger task force to be comprised of representatives from  
15 recreational activities at Auburn State Recreational Area, including, but not limited to,  
16 representatives of the Off-Highway Recreational Vehicle Community hereinafter Auburn State  
17 Recreation Area Task Force. The purpose of the Auburn State Recreational Area Task Force is  
18 to design the scope of a long-term comprehensive management study for recreational activities  
19 within the Auburn State Recreational Area. The purpose of the study is to aid the Department in  
20 deciding on the appropriate type location and level of recreational uses in the Auburn State  
21 Recreational Area, including the Mammoth Bar Off-Highway Motor Vehicle area.

22 6. The management study for the Auburn State Recreational Area will  
23 include but not be limited to:

24 a. An identification of all necessary permits required by regulatory agencies  
25 for recreational activities undertaken within Auburn State Recreational Area;

26 b. An analysis of environmental effects from recreational uses allowed at  
27 Auburn State Recreational Area.  
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3.

STIPULATION FOR SETTLEMENT AND DISMISSAL

Case No. 00CS00391

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**SECTION 2****Interim Management Plan**

The interim management plan takes effect immediately upon execution of this stipulation and shall remain in effect until completion of the comprehensive long-term management studies described in Section 1. During the interim period the Department agrees to operate the Mammoth Bar Off Highway Motor Vehicle facility as follows:

1. The Department will place signs designating river access at appropriate sub-entrance locations, including the Mammoth Bar Off Highway Motor Vehicle facility and the confluence, within the Auburn State Recreation Area. Also, the Department will request the cooperation of Cal-Trns on placement of signage on I-80 for the Auburn State Recreation Area, that identifies multi-recreational uses of the unit, following consultation with the parties.

2. Non-motorized recreation is allowed at all times when the Park is open, consistent with the maximum protection of public health and safety. Non-motorized uses will not be allowed on the moto-cross track while motorized uses are being conducted. The terms and conditions of special events may exclude conflicting uses, and other specific situations as deemed appropriate by the managing entity for the purpose of public safety. Motorized recreation will continue to be allowed on Sundays, Mondays, and Thursdays, and for the period October 1 through March 31, also on Fridays.

3. Summer closing time will be one-half hour after sunset, but in no event later than 9:00 p.m. Summer is defined as the period April 1 through September 30.

4. Applications for special event permits for activities proposed at Auburn State Recreation Area will be reviewed by the designee of the Director of the Department of Parks and Recreation, and forwarded for comment to Friends of the River, the Mother Lode Chapter of the Sierra Club, District 36 of the American Motorcycle Association, the Mammoth Bar Riders Association, and other interested parties upon request. Decisions on such applications will be at the sole discretion of the Director or his designee.

5. A Wildlife Habitat Protection Plan for the Mammoth Bar Off Highway

4.

STIPULATION FOR SETTLEMENT AND DISMISSAL

Case No. 00CS00391

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1 Motor Vehicle area will be developed by Department staff in connection and compliance with  
2 the preparation and submission of an Off Highway Motor Vehicle cooperative agreement  
3 proposal by the U.S. Bureau of Reclamation for fiscal year 2001-2002 grant cycle. Department  
4 staff will confer with staff from the Department of Fish and Game and the U.S. Fish and Wildlife  
5 Service in connection with preparation of this plan. The plan will comply with Title 14  
6 California Code of Regulations § 4970.13 (proposed by the Division to the Office of  
7 Administrative Law in May 2000).

8 6. Notice of the public meeting required by California Code of Regulations  
9 Title 14 § 4970.09, at which time the U.S. Bureau of Reclamation's Mammoth Bar Off Highway  
10 Motor Vehicle cooperative agreement application is scheduled to be discussed, will be provided  
11 by Department staff to the Friends of the River, Mother Lode Chapter of the Sierra Club, District  
12 36 of the American Motorcycle Association and Mammoth Bar Riders Association specifically,  
13 as well as to the general community and other interest groups and parties.

14 7. The Department will immediately proceed with the process to close and  
15 rehabilitate non-designated unauthorized motor vehicle trails.

16 8. Immediately upon execution of this stipulation, the Department will  
17 initiate the process of conducting a soils survey at the Mammoth Bar Off Highway Motor  
18 Vehicle area. The Soils Survey will be undertaken by an independent consultant mutually  
19 agreeable to the Department and plaintiffs' representatives. The scope of the survey shall include  
20 but not be limited to the following:

- 21 a. The survey is to be of the entire Mammoth Bar Off Highway Motor  
22 Vehicle area, including the trails, track and staging area.  
23 b. The survey will utilize the Department's 1991 publication entitled "Soil  
24 Conservation Guideline/Standards. ('Guidelines')".  
25 c. Trails and facilities constructed, or existing prior to November 1991 will  
26 be rated as described in Section G, commencing at page 52 of the Guidelines.  
27 d. New projects built or facilities reconstructed since November 1991 will be  
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5.

STIPULATION FOR SETTLEMENT AND DISMISSAL

Case No. 00CS00391

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rated, as prescribed in Section G of the Guidelines, and will also be evaluated for their compliance with all other standards set forth in the Guidelines for "new projects." For purposes of this stipulation, "New Projects" in the Guidelines means facilities that have been built or reconstructed subsequent to adoption of the Guidelines in 1991. Within 30 days of the execution of this stipulation, the parties will develop an inventory of these trails and facilities that will, at a minimum, include all moto-cross tracks, motorized trails, and the staging area. These projects shall not be construed as "new" for CEQA or NEPA purposes. This evaluation will be incorporated into the comprehensive management study described in Section One paragraphs 1 through 4 of this stipulation.

c. The soil survey will also develop criteria to temporarily close trails to prevent damage from use when a trail and/or facilities are subject to a rain event.

9. In consultation with the appropriate regulatory permitting agency/ies, the Department will identify and apply for any environmental regulatory permits and/or agreements which are required for activities and projects at Mammoth Bar Off-Highway Motor Vehicle area. If a required permit or agreement from a permitting regulatory agency/ies for a particular activity or project is not, or cannot be, obtained by the time the the comprehensive studies described in Section 1 are concluded the activity or project will be discontinued.

### SECTION 3

#### Miscellaneous

1. The parties will request a joint meeting with Folsom Field Office Staff and the California Director of the U.S. Bureau of Land Management, or his designee, to discuss whether any ongoing recreational activities at the Auburn State Recreational Area, including Mammoth Bar Off Highway Motor Vehicle area jeopardize those Outstandingly Remarkable Values for which the North and Middle Forks of the American River were determined to be eligible for Wild and Scenic River status. Defendants will request that the appropriate U.S. Bureau of Land Management staff submit a written determination concerning this issue and that

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Page 03  
P.03/05

determination will be provided by Division staff to the Friends of the River, the Minister Louis  
 Chapter of the Sierra Club, District 26 of the American Motorcycle Association and the  
 Massachusetts Bar Riders Association.

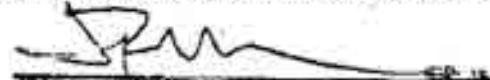
2. No expansion of the Off Highway Motor Vehicle area will occur during  
 this interim management period.

3. Defendants will pay plaintiffs' actual attorneys' fees in an amount not less  
 than \$20,000.00, and not more than \$50,000.00, to be determined by the parties or upon motion  
 to the court.

4. It is the intention of the parties that this stipulation be incorporated into a  
 court order.

5. Upon execution of the stipulation by all parties, plaintiffs will file a  
 dismissal of the entire current action, without prejudice to the refiling of a new action limited to a  
 claim that this agreement has been breached by defendants. The dismissal of this action does not  
 prejudice the filing of a new action for a violation that occurs after dismissal of this action.

Dated: 7/20/00

  
 IRYNA A. KWASNY, Esq.  
 Attorney for Petitioners and Plaintiffs

Dated: \_\_\_\_\_

ELLYN J. LEVINSON  
 Deputy Attorney General  
 Attorney for Respondents and Defendants

Dated: 7/20/00

  
 CHARLES E. CASEY, Plaintiff  
 Friends of the River

Dated: \_\_\_\_\_

TERRY DAVIS, Plaintiff  
 Sierra Club

7.  
 STIPULATION FOR SETTLEMENT AND DISMISSAL

Case No. 00CS00391



JRN-84-2281 18:31

DO. CIVIL DIV 11TH FLOOR

415 783 4962 P.08

1 determination will be provided by Division staff to the Friends of the River, the Mother Lode  
 2 Chapter of the Sierra Club, District 36 of the American Motorcycle Association and the  
 3 Mammoth Bar Riders Association.

4 2. No expansion of the Off Highway Motor Vehicle area will occur during  
 5 this interim management period.

6 3. Defendants will pay plaintiffs' actual attorneys' fees in an amount not less  
 7 than \$20,000.00, and not more than \$50,000.00, to be determined by the parties or upon motion  
 8 to the court.

9 4. It is the intention of the parties that this stipulation be incorporated into a  
 10 court order.

11 5. Upon execution of the stipulation by all parties, plaintiffs will file a  
 12 dismissal of the entire current action, without prejudice to the refiling of a new action limited to a  
 13 claim that this agreement has been breached by defendants. The dismissal of this action does not  
 14 prejudice the filing of a new action for a violation that occurs after dismissal of this action.  
 15

16 Dated: \_\_\_\_\_

17 IRYNA A. KWASNY, Esq.  
 18 Attorney for Petitioners and Plaintiffs

19 Dated: 7-20-00

20 ELLYN S. LEVINSON  
 21 Deputy Attorney General  
 22 Attorney for Respondents and Defendants

23 Dated: \_\_\_\_\_

24 CHARLES E. CASEY, Plaintiff  
 25 Friends of the River

26 Dated: \_\_\_\_\_

27 TERRY DAVIS, Plaintiff  
 28 Sierra Club

7.  
 STIPULATION FOR SETTLEMENT AND DISMISSAL

Case No. 00CS00391



JAN-05-2001 18:06

DOOR HALLROOM 11TH FLOOR

415 355 5452 P.04/05  
620 FAX JUL 20 100 14:22  
For New York 100 14:22

1 determination will be provided by Division staff to the Friends of the River, the Mother Lode  
2 Chapter of the Sierra Club, District 36 of the American Motorcycle Association and the  
3 Mammoth Bar Riders Association.

4 2. No expansion of the Off Highway Motor Vehicle area will occur during  
5 this interim management period.

6 3. Defendants will pay plaintiffs' actual attorneys' fees in an amount not less  
7 than \$20,000.00, and not more than \$50,000.00, to be determined by the parties or upon motion  
8 to the court.

9 4. It is the intention of the parties that this stipulation be incorporated into a  
10 court order.

11 5. Upon execution of the stipulation by all parties, plaintiffs will file a  
12 dismissal of the entire current action, without prejudice to the refiling of a new action limited to a  
13 claim that this agreement has been breached by defendants. The dismissal of this action does not  
14 prejudice the filing of a new action for a violation that occurs after dismissal of this action.

15 Dated: 7/20/00

16   
17 IRVNA A. KWASNY, Esq.  
18 Attorney for Petitioners and Plaintiffs


19 Dated: \_\_\_\_\_

20 ELLYN S. LEVINSON  
21 Deputy Attorney General  
22 Attorney for Respondents and Defendants

23 Dated: \_\_\_\_\_

24 CHARLES E. CASEY, Plaintiff  
25 Friends of the River

26 Dated: 7/20/00

27   
28 TERRY DAVIS, Plaintiff  
Sierra Club

7.

STIPULATION FOR SETTLEMENT AND DISMISSAL

Case No. 00CS00391

JAN-95-2001 18:06	DE WILSON 11TH FLOOR	415 355 5452 P.05/25
JUL-20-2000 08:57	CIVIL DIVISION	415 783 1187 P.09/29
1	Dated: <u>July 20, 2000</u>	<u><i>Rusty Areias</i></u> RUSTY AREIAS, Director Department of Parks and Recreation
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STIPULATION FOR SETTLEMENT AND DISMISSAL		Case No. 00CS00391
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		TOTAL P.05

## Mammoth Bar Lawsuit Settlement Task Matrix

Gold Fields District – 1/15/07 – by M.G. Lynch

Section Number	Description	Lead Responsible	Current Status
		Participant	
Section 1 Sub-Section 1.	Mammoth Bar (MB) Task Force to be convened with two representatives from plaintiffs and 2 from OHV user groups.	OHV Division ----- Auburn SRA	Members selected, several meetings have been held.
Section 1 Sub-Section 2.	Purpose of MB Task Force to design scope of long-term comprehensive management study of OHV activities at MB.	OHV Division	Pending Task Force input into the General Plan process
Section 1 Sub-Section 3.	Request for study and consulting contract by an interdisciplinary independent consultant.  <i>"It is the intent of parties that the study will be completed not later than 18 months from execution of this stipulation."</i>	OHV Division (in consultation with DFG, USFWS and MB Task Force)  OHV to fund contract.	The comprehensive management plan (General Plan) is in progress by an independent interdisciplinary contractor/consultant.
Section 1 Sub-Section 4	Mammoth Bar Study to include permits, soils & wildlife survey and environmental effects of recreational use.	MB Task Force	Included in Auburn General Plan process & pending MB Task Force input
Section 1 Sub-Section 5	Auburn State Recreational Area (ASRA) Task Force to develop scope of study for recreational uses. Study to include permits, soils & wildlife survey and environmental effects of recreational use.	Gold Fields District, Auburn Sector  ASRA Task Force	ASRA Task Force has met. Scope of study developed.  Auburn SRA General Plan process has begun with 2008 completion date.
Section 2	The interim management plan takes effect immediately and remains in effect until completion of the comprehensive long-term management studies in Section 1.	Auburn Sector/MB staff	Interim plan in effect.

Section 2 Sub-Section 1	Placing of river access signs at appropriate locations.	Auburn Sector	Completed
Section 2 Sub-Section 1	DPR request cooperation of Cal-Trans on placing multi-use signage on I-80.	Auburn Sector	Request made to Cal-Trans and denied (2002)
Section 2 Sub-Section 2 & 3	Interim use requirements, OHV use days and operations hours.	Auburn Sector/ MB Staff	In effect
Section 2 Sub-Section 4	Special events permits for all Auburn SRA to be forwarded for comments to interest groups	Gold Fields District/ Auburn Sector	Notification process in place.
Section 2 Sub-Section 5	A Wildlife Habitat Protection Plan will be developed by Department.	Auburn Sector/MB Staff	Completed & revised 6/02.
Section 2 Sub-Section 6	Notice of public meeting on MB OHV Grant application will be made to interest groups and public.	Auburn Sector/MB Staff	Has been done in the past. Currently this section does not apply as MB is funded directly from non-grant sources.
Section 2 Sub-Section 7	"Department will immediately proceed with the process to close and rehabilitate non-designated unauthorized motor vehicle trails.	Auburn Sector/MB Staff  ----- OHV Division	Non-designated unauthorized (NDUA) ride areas have been closed; the final area was closed in early 2005. Continued monitoring & rehab of new NDUA areas is ongoing.
Section 2 Sub-Section 8a-c	An independent consultant mutually agreeable to Department and plaintiffs' will undertake soils Survey. Requirements for Soils Survey	OHV Division	Phase 1 & 2 completed with OHV Division funding. Final reports on file at OHV Division
Section 2 Sub-Section 8 e.	An inventory of trails and facilities will be developed	MB Staff	Completed & provided to plaintiffs in February 2001.

Section 2 Sub-Section 9	<i>Department will identify and apply for any environmental regulatory permits and/or agreements which are required for activities and projects at MB. If permits cannot be obtained then activity or project will be discontinued at the time the comprehensive studies are concluded.</i>	Gold Fields District/ MB Staff	All new projects since the lawsuit settlement have had CEQA, F&G, Army Corp and Regional Water Quality permits/agreements as required.  Possible required permits/agreements for ongoing activities have been identified. One agreement (pumping water from river) has been obtained from BOR. A Fish & Game maintenance agreement for operation/maint. of the MX tracks was been obtained in 2003.
Section 3 Sub-Section 1	Request a meeting with BLM regarding recreational use and Wild and Scenic River status.	DPR/OHV Division	The request was made and meeting with BLM occurred in 2002. BLM declined to make any evaluation or determination.
Section 3 Sub-Section 2	No expansion of the OHV area will occur during the interim management period.	DPR	In effect.
Section 3 Sub-Sections 3-5	Legal requirements and provisions	Parties to Settlement	Completed.